

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

BITUMINOUS CASUALTY CORP.,

Plaintiff,

v.

No. 07-1158 B

TINDLE ENTERPRISES, INC., et al.,

Defendants.

ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE AND DENYING PLAINTIFF'S MOTIONS FOR
DEFAULT JUDGMENT (D.E. 108-19), ACCEPTING AS FILED THE JOINT ANSWER
OF CERTAIN DEFENDANTS AND DIRECTING DEFENDANTS REPLOGLE, SISK,
SISK AND GRISWELL TO FILE ANSWERS TO THE SECOND AMENDED COMPLAINT

This cause is before the Court in connection with the report and recommendation of the magistrate judge regarding motions of the Plaintiff, Bituminous Casualty Corp., for default judgment against various Defendants (D.E. 108-19). The magistrate judge's report, filed on August 3, 2009, recommended that the motions be denied. According to the Court's docket, no objections to the magistrate judge's report and recommendation have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

The Court has reviewed the magistrate judge's report and recommendation, and the entire record of the proceeding before the magistrate judge. No objections having been filed to the report and recommendation, the Court ADOPTS the magistrate judge's report and recommendation.

It is therefore ORDERED that the magistrate judge's report and recommendation filed August 3, 2009 is hereby ADOPTED and the motions for default judgment are DENIED. In accordance with the report and recommendation, the Court accepts as filed the joint answer of Defendants Margaret C. Littlejohn, Shane A. Smith, Michael L. Smith, Teresa A. Smith, Michael

Andrew James Bishop, Cynthia Stephens and Jeannie Dawn Townsend. Furthermore, Defendants Bruce Replogle, Shelia Michelle Sisk, Jeff Sisk and Darla Griswell are DIRECTED to file answers to the Second Amended Complaint within ten days of the entry of this order.

IT IS SO ORDERED this 31st day of August, 2009.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE